

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:01CR113
)
)
Plaintiff,)
)
)
v.) ORDER
)
)
DAMION WELLS,)
)
)
Defendant.)

Before the court is a document entitled "provisional notice of appeal." Filing No. 190. This notice is signed by non-party David Lynn. Mr. Lynn is not a party or a legal representative in this case. Accordingly, the court ordered the provisional notice filed, but instructed the defendant to re-file the appeal and affix his signature to the same. Although the notice of appeal was re-filed, it was done so again by Mr. Lynn and not signed by the defendant Damion Wells, in direct contravention of this court's order. Filing No. 193.

Federal Rule of Civil Procedure 11 states that "every pleading . . . shall be signed by at least one attorney of record . . . or, if the party is not represented by an attorney, shall be signed by the party." Fed. R. Civ. P. 11(a). Further, "[a]n unsigned paper shall be stricken" unless the signature deficiency is corrected. *Id.* Defendant is proceeding pro se and is required to sign his pleadings. Because defendant failed to sign either of his notices of appeal, Filing Nos. 190 and 193, they shall both be stricken.

IT IS ORDERED that the Clerk of Court is directed to strike from the record Filing Nos. 190, 193, and 194.

DATED this 28th day of March, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge